

ICE_D Legal Division EPOs

All class sessions are two hours unless otherwise noted

Exam - E01

Constitutional Law

Identify the powers of the legislative, executive, and judicial branches of the United States Government. **[MEPO 1080-1]**

Identify the rights and privileges guaranteed to citizens by the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution. **[MEPO 1080-2]**

Identify how the United States Constitution applies to law enforcement officer behavior. **[MEPO 1080-3]**

Identify the components of the criminal justice system that originate in the United States Constitution. **[MEPO 1080-4]**

Drug Offenses

1 hour session

Identify and apply the elements of Title 21 U.S.C. §844. **[MEPO 1093-1]**

Identify and apply the elements of Title 21 U.S.C. §841. **[MEPO 1093-2]**

Use of Force

Identify the legal standards outlined in Graham v. Connor for the use of force during the seizure of an individual. **[MEPO 1212-1]**

Identify when deadly force is objectively reasonable. **[MEPO 1212-2]**

Identify legal issues associated with the use of intermediate weapons, such as striking instruments and chemical sprays. **[MEPO 1212-3]**

Identify the elements of “qualified immunity” and when a law enforcement officer sued for excessive use of force is entitled to it. **[MEPO 1212-4]**

*Fourth Amendment

Part 1

Recognize when the Fourth Amendment applies to governmental action. **[MEPO 1211-1]**

Identify situations in which a reasonable expectation of privacy exists. **[MEPO 1211-2]**

Identify appropriate actions that may be taken when reasonable suspicion exists. **[MEPO 1211-3]**

Identify when law enforcement officers may or may not use race to justify stops or arrests in accordance with Department of Justice guidelines. **[MEPO 1211-4]**

Identify when probable cause exists to the extent that an arrest or search may be justified. **[MEPO 1211-5]**

Identify the origin, purpose and scope of the exclusionary rule. **[MEPO 1211-6]**

Identify exceptions to the exclusionary rule, e.g., no standing to object, good faith, inevitable discovery and impeachment. **[MEPO 1211-7]**

***Fourth Amendment materials have two examinations. The second examination is EO3.**

Exam - E02

Officer Liability

Identify the elements and applicability of 18 U.S.C. §§241 and 242. **[MEPO 1023-1]**

Identify the elements, applicability, and scope of 42 U.S.C. §1983 and the Bivens Analogy. **[MEPO 1023-2]**

Recognize the most common incidents of civil liability for Federal Law Enforcement Officers under Bivens and the defense of qualified immunity. **[MEPO 1023-3]**

Recognize incidents of potential civil liability for Federal Law Enforcement Officers under state tort theories and the FTCA protection from individual liability. **[MEPO 1023-4]**

Federal Criminal Law

Introduction, Assault and Bribery

FCL 1

Identify and apply the elements of a criminal statute. **[MEPO 1091-1]**

Distinguish between a felony and a misdemeanor. **[MEPO 1091-2]**

Identify and apply the Assimilative Crimes Act and distinguish between exclusive, concurrent, and proprietary jurisdiction. **[MEPO 1091-3]**

Identify and apply the elements of Title 18 U.S.C. §111. **[MEPO 1091-4]**

Identify and apply the elements of Title 18 U.S.C. §201. **[MEPO 1091-5]**

Federal Firearms Violations

FCL 2

Identify categories of individuals prohibited from possessing firearms. **[MEPO 1091-6]**

Identify and apply procedures to initiate a firearms trace through the Bureau of Alcohol, Tobacco, & Firearms. **[MEPO 1091-7]**

Identify the weapons listed in Title 18 U.S.C. § 922(a)(4) that require registration with the Bureau of Alcohol, Tobacco, & Firearms and those weapons prohibited on a federal facility. **[MEPO 1091-8]**

Entrapment and False Statement

FCL 3

Identify when inducements by the government are permitted or prohibited. **[MEPO 1091-9]**

Identify when predisposition negates an apparent entrapment defense. **[MEPO 1091-10]**

Identify and apply the elements of Title 18 U.S.C. §1001 (False Statements). **[MEPO 1091-11]**

Exam - E03

Federal Court Procedures

Identify the structure and functions of the Federal court system, and the duties of US Federal District Court and Magistrate Court Judges. [MEPO 1130-1]
Identify the methods of causing a defendant to appear before a United States Magistrate Judge. [MEPO 1130-2]
Identify the proper procedures to follow immediately after arrest and the purpose of and procedure at the initial appearance and detention hearing. [MEPO 1130-3]
Identify the procedures when the defendant is arrested in a district other than where the crime occurred, and the purpose of a removal and identity hearing. [MEPO 1130-4]
Identify the proper procedure to follow in notifying a foreign national's consular representative when a criminal incident involves the arrest of a foreign national. [MEPO 1130-6]
Identify the function and purpose of the grand jury. [MEPO 1130-8]
Identify the rules governing the secrecy of proceedings of the grand jury, the limited dissemination of grand jury information, and the law enforcement officer's responsibilities regarding use of grand jury material. [MEPO 1130-10]
Identify how the defense obtains information from the government that can be used in trial and for other purposes, e.g. discovery under Rule 16, Federal Rules of Criminal Procedure; the <u>Brady</u> doctrine, <u>Giglio v. United States</u> , the Jencks Act, and Rule 26.2, Federal Rules of Criminal Procedure. [MEPO 1130-12]

5th and 6th Amendments

Identify when the Fifth Amendment privilege against self-incrimination is applicable. [MEPO 1214-1]
Identify when <u>Miranda</u> warnings are required. [MEPO 1214-2]
Identify a valid <u>Miranda</u> waiver. [MEPO 1214-3]
Identify how to proceed after a suspect invokes a <u>Miranda</u> right. [MEPO 1214-4]
Identify how the Fifth Amendment due process clause affects eye-witness identification procedures. [MEPO 1214-7]

Fourth Amendment Part 2

Identify the limitations of an arrest warrant. [MEPO 1211-8]
Identify when an arrest involving a felony requires the use of a warrant. [MEPO 1211-9]
Identify when an arrest involving a misdemeanor requires the use of a warrant. [MEPO 1211-10]
Identify the conditions under which an officer may use force to execute a warrant (search or arrest) according to the provisions of Title 18 U.S.C. §3109. [MEPO 1211-11]
Identify those officials who have the authority to issue Federal search warrants. [MEPO 1211-12]
Identify the components of an affidavit for a search warrant. [MEPO 1211-13]
Identify the legal requirements for executing a search warrant, e.g., authority to execute, time of entry, method of entry, locations on a premise that may be searched, duration of the search, and inventory. [MEPO 1211-15]
Identify the scope and purpose of a protective sweep. [MEPO 1211-16]
Identify circumstances in which persons on the premises may or may not be searched for evidence or frisked during the execution of a premises search warrant. [MEPO 1211-17]
Identify circumstances in which evidence may be seized under the plain view doctrine. [MEPO 1211-18]
Identify fact situations where warrantless searches are allowed regarding motor vehicles. [MEPO 1211-19]

Identify fact situations where warrantless searches are allowed during exigent circumstances, e.g., hot pursuit, destruction or removal of evidence, and emergency scenes. [MEPO 1211-20]
Identify the requirements and scope of a search incident to a lawful arrest. [MEPO 1211-21]
Identify circumstances in which a suspect's consent to search is voluntary. [MEPO 1211-22]
Identify the circumstances in which a third party has actual or apparent authority to grant consent to search a suspect's property. [MEPO 1211-23]
Identify the requirements allowing an inventory of lawfully impounded personal property. [MEPO 1211-24]
Identify the circumstances when an inspection is permitted for real and personal property. [MEPO 1211-25]